

City Council Chamber, City Hall, Tuesday, July 15, 2003

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, July 15, 2003, Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry, Carroll Robinson; Mr. Paul Bibler, Senior Assistant City Attorney, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Stella Ortega, Agenda Office present. Council Member Mark Ellis out of the city on city business. Council Member Bert Keller absent on city business.

At 2:06 p.m. Mayor Brown stated that Council would begin their presentations and invited Ms. Jones and all representatives of the Delta Sigma Bata Sorority to the podium. Mayor Brown stated that this was a significant presentation because of the ninetieth anniversary of the sorority, which had more than 200,000 members and over 900 chapters and presented them a Proclamation extending best wishes and proclaimed July 15, 2003, as "Houston Metropolitan Alumni Chapter Delta Sigma Bata Sorority, Incorporated Day" in Houston, Texas. Council Members Goldberg, Vasquez and Parker absent.

Council Member Edwards stated that she was going to honor outstanding city employees by presenting three Bravo Awards and called on Mr. Derek Mebane of the Solid Waste Department, Mr. Fred Joe Pyland of HPD and Ms. Mary Taylor Ross of the Building Services Department and invited them to the podium, presented each a Bravo Award and thanked them all for making Houston a better place to live. Council Member Vasquez absent.

Council Member Edwards invited Mr. Lonnie Vara, Director of Human Resources to the podium. Mr. Vara presented Mayor Brown and Council Member Edwards, for the Council Offices, an album of present and previous Bravo Award winners and stated that they wanted to be sure there was a record available in the Mayor and Council Offices as they were outstanding individuals who had done much on their job and for their communities. Council Members Vasquez and Berry absent.

Council Member Galloway invited Reverend Montgomery to the podium and stated that he had been an outstanding leader in the community and blessed with many loyal members at the Northside Missionary Baptist Church and presented him a Proclamation congratulating him and the congregation and proclaimed Tuesday, July 15, 2003, as "Reverend Cleotis Montgomery Day" in Houston, Texas. Council Members Vasquez and Berry absent.

Council Member Galloway stated that she had a special recognition for Ms. Kenya Brown and invited her and those with her to the podium. Council Member Galloway stated that she was congratulating her as she had graduated in 1999 and went to serve her country in the Middle East and served her country well and she joined the Mayor and her colleagues to recognize an outstanding soldier of District B. Council Members Vasquez and Berry absent.

Council Member Robinson invited all those present with the Positive Black Male Association to the podium and stated that the association was a group of men, multicultural, who were trying to help young African American men and uplift them and he wanted to acknowledge the work of the group and presented them a Proclamation for being committed to developing future role models and leaders and proclaimed Tuesday, July 15, 2003, as "Positive Black Male Association, Inc. Day" in Houston, Texas. Council Member Vasquez absent.

Council Member Goldberg stated that in 10 days two representatives from the City of Houston would compete at the 66th Annual All American Soap Box Derby and invited the winner of the Super Stock Class Miss Kayla Wright to the podium and the winner of the Stock Class Michael Schmoniski was not present but invited his father Mr. Schmoniski to the podium and presented them Certificates, congratulated them on their wins and wished them good luck on the next race. Council Members Vasquez and Robinson absent.

At 2:39 p.m. Mayor Brown called the meeting to order and Council Member Wiseman led everyone in the prayer and Pledge of Allegiance. Council Members Vasquez and Robinson absent.

At 2:40 p.m. the City Secretary called the roll. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Members Vasquez and Robinson absent.

Council Members Berry and Tatro moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Members Vasquez and Robinson absent. MOTION ADOPTED.

Council Member Galloway moved that the rules be suspended for the purpose of hearing Mr. Quane X and Mr. Otis Jordan after Mr. Vincent Marquez and Rev. Samuel Smith, Mr. Lynwood Johnson, Ms. Gladys House and Minister O. B. Brown at the top of the Non-Agenda speakers, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Members Vasquez and Robinson absent. MOTION 2003-0880 ADOPTED.

Council Member Parker moved that the rules be suspended for the purpose of hearing Ms. Gloria Rubac after Ms. Njeri Shakur, seconded by Council Member Edwards. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Members Vasquez and Robinson absent. MOTION 2003-0881 ADOPTED.

Mayor Brown stated that the City Secretary would begin to call the speakers. Council Members Vasquez and Robinson absent.

Mr. Richard Shaw, 2506 Sutherland, Houston, Texas 77023 (713-923-9473) appeared and stated that he was present in support of Item 28 which was the Day Labor Program for the Northside; that it would provide much needed services; and urged its adoption. Council Members Vasquez and Robinson absent.

Council Member Goldberg thanked Mr. Shaw for his work in the matter and stated that if it was to be he was glad it would be organized and that Mr. Shaw was behind it. Council Members Edwards, Vasquez and Robinson absent.

Council Member Quan thanked Mr. Shaw and asked that he explain the process. Mr. Shaw stated that they had a broad task force and they were discussing ordinances that could support it and a broader comprehensive approach of services; that an RFP was issued and sent to a number of organizations. Council Member Quan stated that they tried to be as open as possible in the process and anyone was welcome to present their proposal. Council Members Vasquez and Robinson absent.

Mayor Brown thanked Mr. Shaw and those involved and stated that he was very supportive of such an extremely important initiative on behalf of the city. Council Members Vasquez and Robinson absent.

Mayor Brown stated that a number of people were holding signs and it was against the Council Rules and asked the City Secretary to go over those rules. The City Secretary stated that waving or displaying of signs was prohibited in the isles or seating area as it could obstruct the view of others and they were not to in any manner disturb or interfere with the orderly conduct of the meeting at any time. Mayor Brown stated that they would appreciate compliance. Council Members Vasquez and Robinson absent.

Ms. Joleen Reynolds, 1003 Trapper Hill Dr., Houston, Texas 77077 (281-556-1335) had reserved time to speak but was not present when her name was called. Council Members Vasquez and Robinson absent.

Mr. Vincent Marquez, 3401 Hardy, Houston, Texas 77009 (832-876-8700) appeared and stated that he was present asking for support of Item 28; that he appreciated everyone's support and they looked to have a very successful, comprehensive program with a worker's exchange component, education component, entrepreneur, finance and civic improvement components; that the civic improvement component would come later but if workers were not able to go with a subcontractor and after they went through the class to make themselves more marketable they would have projects where they could go out and help beautify the community and would be compensated by time dollars where they would be able to go to their capital store and redeem them and get a product to help enhance their families for the day so it was not just time lost. Council Members Vasquez, Parker and Robinson absent.

Council Member Quan thanked Mr. Marquez for trying to be innovative and working with the program; and upon questions, Mr. Marquez stated that today there were 170 men registered waiting for the doors to open. Council Members Vasquez and Robinson absent.

Council Member Sekula-Gibbs stated that she would like to hear more about the time dollar and Mr. Marquez stated that time dollar was developed in Washington, D. C., and it was people helping themselves by helping others; that if someone needed daycare there is someone on the list who will watch them while they work and she earns time dollars for every hour she watches the child, then she goes to the store where they have surplus goods donated and she would be able to redeem her dollars. Council Member Sekula-Gibbs stated that she would like a synopsis sent to her and Council Members regarding the store and where they apply, etc. Council Members Galloway, Vasquez and Robinson absent.

Council Member Edwards stated that she appreciated Mr. Marquez's work and they had her support. Council Members Galloway, Vasquez and Robinson absent.

Mr. Quanell X, 2428 Southmore, Houston, Texas 77020 (281-472-5589) appeared with a group of others and stated that they had collectively come today to speak on the issue of the East Houston Estates Apartments; that Council Member Quan and Council Member Galloway had assisted in trying to move the project along and he felt those with him deserved an explanation as to why they had a commitment letter when the Mayor had chose at this time not to move forward; that many placed phone calls to the Administration but none were returned and it appeared at this time there was arrogance and racism involved and if the city was not going to move forward they were asking why and wanted it clearly explained as for now there was only silence and that was not what they wanted. Council Members Galloway, Vasquez and Robinson absent.

Upon questions by Council Member Berry, Mr. X stated that the gentleman had been trying to develop the property for six years and working with the city but for some time the project had been stalled and now they were about to lose the property as it was about to be foreclosed on; that they had the commitment from the city for the affordable housing project but the city had not moved on it and affordable housing was needed in that area. Council Member Berry yielded to Council Member Quan for more background information. Council Members Tatro, Galloway, Vasquez and Robinson absent.

Council Member Quan stated that Mr. Dawson began the project approximately 1997, it was 130 units targeted for affordable housing and Housing and Community Development made a commitment of \$750,000; that Chase Bank also made a loan of \$750,000 and he brought his equity into the agreement, unfortunately he had difficulties with the builder and had to remove him and there was litigation and the matter was tied up in court but they may have worked a

settlement; that in 2001 Ms. Bingham met with them and him and the bank was ready to call the loan but they asked that the bank work with the Dawson's and see if it could be extended; that they finally got a builder the city and bank agreed on and had a subsequent meeting earlier in the year and the Housing Department outlined four or five things they wanted done and they were given 30 days to comply but at the end of that time Housing determined all items had not been complied with and now Chase Bank had called in their loan and they were in a second lien position to Chase; that now there was a gap of about \$2,000,000 because of the deterioration of the property after so many years of litigation and Housing was hard pressed to provide a grant of that magnitude in proportion to the overall equity in the project; that he wanted to thank Mr. X for coming as affordable housing in east Houston was important and that was why so much time was spent trying to work with Mr. Dawson. Council Members Tatro, Galloway, Vasquez and Robinson absent.

Council Member Parker moved that the rules be suspended for the purpose of hearing Mr. George Dawson at this time, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Members Tatro, Galloway, Vasquez and Robinson absent. MOTION 2003-0882 ADOPTED.

Mr. George Dawson, 8610 Woodlyn, Houston, Texas 77028 (713-633-5255) appeared and stated that they met with the Housing and Community Development and they said the contract had defaulted; that the compromise was they said they would grant additional funds to complete the project if they got an approved contractor they would have more confidence in and they got an approved contractor; that they did not say a specific amount of additional funds, but any amount of additional funds necessary to complete the project as long as they approved the contractor they approved the budget and they approved the contractor; that when his wife called to see when they would be moving forward was when they came back with the letter about a loan issue worked out through Mayor Brown's Office and the loan was being converted to a grant so they met all their requirements and now the Housing Department decided to take them down another road so they were present asking Mayor Brown for justice. Council Members Tatro, Galloway, Vasquez and Robinson absent.

Council Member Edwards stated that she did not know the history of this, this was her first experience and upon questions, Mr. Dawson stated the property was vacant and deteriorating and it was a grant not a loan and it was for additional funds necessary for the completion of the East Houston Estate Apartments, there was not a set amount. Council Members Tatro, Galloway and Robinson absent.

Council Member Galloway stated that she had been working on this since she came to Council and every time they cleared one hurdle another one cropped up; that it was deteriorating because of all that they had went through and it sat so long of course that would escalate cost and she would like Mayor Brown to assign one of his staff to look into the paper trail and come up with a solution. Mayor Brown stated that he would assign his new Chief of Staff to do the work, pull out all documents and contact him and they would get to the bottom of it and they would do that right a way. Council Members Tatro, Galloway, Goldberg and Robinson absent.

Council Member Galloway stated that she was wondering if the other speakers would like to be cancelled out since this was being taken care of and was told yes they could be cancelled. Council Members Tatro, Galloway, Goldberg and Robinson absent.

Mr. Otis Jordan, 7663 South Glen Willow, Missouri City, Texas 77489 (281-438-424) appeared and stated that he was present again to speak on the Fire Training Academy, they were still having problems with cadets being terminated; that one cadet spoke in Council two weeks ago and was terminated one day before his one year in the department; that he had an 85 average and he was late four times but the academy now was 14 months; that the code of conduct was set up for six months; that in the old days you might bring doughnuts for being late,

but it was costing the city from \$125,000 to \$150,000 to train a firefighter from day one to graduation and something needed to be done; that Mayor Brown said he was going to have Chief Simms look into it and it needed to be expedited; that another cadet was to be terminated tomorrow for the same thing. Council Members Tatro, Goldberg, Sekula-Gibbs and Robinson absent.

Mayor Brown stated that Chief Simms was in the Council Chamber and he would ask that he look into it right a way and also look into the policy and make a determination as to whether the rules should change in compliance with the academy being longer and report back to him through his chief on what recommendations were made. Council Members Goldberg, Sekula-Gibbs, Berry and Robinson absent.

Council Member Galloway stated that they had been talking about the Fire Department rules and regulations and how people were being terminated and suspended on matters that were so small, to compare \$125,000 in training to being tardy four times in 14 months it was certainly poor management; that the management seemed to be slipping down the tube; that four tardies in 14 months seemed more like probation for a week or another alternative and she hoped he could get reinstated and graduate with his class; that this was a large cost to taxpayers. Council Members Goldberg, Sekula-Gibbs, Berry and Robinson absent.

Council Member Parker stated that she could not agree more; that when the young man came to Council two weeks ago she met with Chief Simms and he said four tardies over six months now that the Administration changed the rules the old system did not work and no one bothered to change it; that this poor guy was one day away from becoming a full fledged firefighter got canned and it was idiotic and she heard something needed to be done and two weeks later still nothing was done; that something needed to be done now and they were appealing to the Mayor to look into it; and Mayor Brown stated that he would. Council Members Goldberg, Sekula-Gibbs, Berry and Robinson absent.

Council Member Edwards stated that she agreed with both Council Members; that she received on a consistent basis the complaint and it was from Black cadets, female cadets, White cadets, etc., and this was a crisis in leadership; that they kept saying it needed to be fixed and someone needed to step-up and fix it. Council Members Goldberg, Sekula-Gibbs, Berry and Robinson absent.

Mayor Brown stated that the Chief had heard the comments of Council and he would like him to get back with him expeditiously with recommendations to fix it and he wanted him to let his Chief know what was discussed today. Council Members Goldberg, Sekula-Gibbs, Berry and Robinson absent.

Rev. Samuel Smith, 239 W. Gray, Houston, Texas 77019 (713-692-2494) appeared and stated that drastic changes had taken place in Freedmen's Town and of late changes were being made that did not make sense, the streets are having one way signs placed and not only was it surprising, but then Sunday police were out there chasing them and giving citations; that parking signs were posted which said do not park on this side and it was in an odd place, if a car parked and the family got out they were getting out into the traffic and another heartbreaking thing was that as they pulled up the stop signs all over the area people were flying down the streets and for those people used to where stop signs were they were driving and there had been several collisions. Council Members Galloway, Goldberg, Sekula-Gibbs, Berry and Robinson absent.

Upon questions by Mayor Brown, Rev. Smith stated that no one with the city had met with him, several said they would, but the changes were there including a big fence just put over Andrews Street and blocking it off and he would like someone to get with them so they could give suggestions. Mayor Brown stated that Mr. Robert Fiederlein with Public Works was present and would meet with him and then he or someone who could make an assessment go out and see

first hand what was going on and then come back with recommendations to fix it. Council Members Galloway, Goldberg, Sekula-Gibbs, Berry and Robinson absent.

Council Member Alvarado stated that a staff member was out there yesterday and a couple of things were going on with one involving HISD; that her understanding in talking with Mr. Litke was that HISD had Andrews Street closed; that there was also the issue of one way street signs and she would ask that someone from Planning meet with the community members present. Council Members Galloway, Goldberg, Sekula-Gibbs, Berry and Robinson absent.

Council Member Parker stated that Ms. House called her and she called the District Council Member who had no idea this was going on; that she went out and drove around and many streets were very narrow and should be one way, but she could not understand how that decision could be made without anyone in the neighborhood being notified; that on the no parking signs most of the time they were placed and not enforced for awhile because they did not want to sneak up on anyone, but the first weekend the police were out there and that was not the way they needed to do business and a street by street review should be done to decide where the signs should be placed and which streets should be one way. Council Members Galloway, Goldberg, Sekula-Gibbs, Berry and Robinson absent.

Council Member Edwards stated that it was simpler to get the people involved first rather than fix things later; that they had the same thing happen in Sunnyside where people went to church and it was tow away zone parking, if there was a need for change the community should be involved and she would encourage all department heads to get them involved. Council Members Galloway, Goldberg, Sekula-Gibbs, Berry and Robinson absent.

Council Member Alvarado stated that she would ask for special consideration be given to churches so it did not disrupt their parishioners. Council Members Galloway, Goldberg, Sekula-Gibbs, Berry and Robinson absent.

Council Member Quan thanked Rev. Smith for coming and stated that he hoped a lesson could be learned for the whole city; that there were a lot of plans for the Fourth Ward and a lot of positive things could be done, but they needed input from those who lived there. Council Members Galloway, Goldberg, Edwards, Wiseman, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that Mr. Fiederlein would meet with him at this time and it was his responsibility to get with his people and have some one go out and then get back with him with a proposal to remedy the situation. Council Members Galloway, Goldberg, Edwards, Wiseman, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Lenwood Johnson, 1320 Robins Street, Houston, Texas 77019 (281-831-8570) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Edwards, Wiseman, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Gladys House, 1320 Robins Street, Houston, Texas 77019 (281-831-8570) appeared and stated that her concern was raised in late May of this year with the applicable Council people and department heads; that Mr. Litke reported to no one but the Mayor directly and he was like a loose cannon; that he had divided the community from West Gray Street and on the northside of Gray was where all the changes occurred and on the southern side, the affluent side, no streets had been touched; that as of noon last Saturday a fence went up on Andrews Street fencing it off and that was a violation of their rights and they wanted it removed immediately; that Andrews was also a historic street and the one ways were very imposing on them and there was something wrong with the system and Mr. Litke needed to be held in check and their community needed to be put back the way they wanted it. Council Members Galloway, Goldberg, Edwards, Wiseman, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to ask someone to meet with the members of the community; that she understood it was HISD who put the fence up, however, it was on the city street and it seemed at the very least the District Council Member would have been notified and she would like clarification as to if HISD was involved how it came about. Council Members Galloway, Goldberg, Wiseman, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that someone from Public Works would go out and take a look and then report back as to how it should be resolved. Council Members Galloway, Goldberg, Wiseman, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she would like whoever went out to check the fence to let her office know why it was up; and Mayor Brown stated that he would make sure the report that came back to him would go to all Council Members. Council Members Galloway, Goldberg, Wiseman, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Minister O. B. Brown, 1320 Robbins Street, Houston, Texas 77019 (281-831-8570) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Wiseman, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Wiseman, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Samuel Trostle, 7225 Bellerive #412, Houston, Texas 77036 (713-266-1759) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Wiseman, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. John Florez, 524 Westheimer, Houston, Texas 77006 (713-522-6548) appeared and stated that he wanted to thank HPD for working at the festival and publicly thank Capt. George Buenik and Sgt. Tommy Bennett and all other officers who spent two very hot afternoons keeping a gentle eye on thousands who attended the Gay Pride Parade and Festival; that he was stopped many times by people saying they were glad the parade was back on Westheimer and saying how cool and respectful the police had been in handling the large crowds; that Capt. Buenik and Sgt. Bennett were very fine examples of great civil servants and good human beings and Sgt. Bennett went beyond his duties visiting with him to find out where stages, etc., would be so he would know appropriate places for police to be stationed. Council Members Galloway, Goldberg, Wiseman, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that he would like Mr. Florez to produce what he just stated in writing and send it to the Police Chief so it could go in the officers personnel folders as a permanent record. Council Members Galloway, Goldberg, Wiseman, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mrs. Linda Alaoui, 2801 Rolido Dr. #20, Houston, Texas 77036 (713-974-0403) appeared and stated that she was present on behalf of her husband who operated a limo service and was a silent partner for a longtime; that apparently new rules were implemented and he purchased a limo a couple of years back and his partner was deported back to Moroco, but the city was rejecting him a permit renewal for his Lincoln and he had been out of work now six to seven months; that they were asking the city grant an exception and grant his renewal so he could support his family; that her husband was fully in charge of the company now and unable to

work. Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that he would ask Mr. Blanton Daniels of F & A who was present to meet with her and find out what the problems were and then work through it. Council Members Tatro, Goldberg, Wiseman, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Parker stated that if they had proof of partnership he should be grand fathered. Upon questions by Mayor Brown, Ms. Alaoui stated that they were now required to have a stretch limousine. Council Members Tatro, Goldberg, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Chakir Alaoui, 2801 Rolido Dr. #20, Houston, Texas 77036 (713-974-0403) appeared, thanked Mayor Brown and stated that he and his wife would speak with Mr. Daniels. Council Members Tatro, Goldberg, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Reginald Butler, 1418 Preston #415, Houston, Texas 77002 (832-212-0833) had reserved time to speak but was not present when his name was called. Council Members Tatro, Goldberg, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mrs. Olevia Randle, 6023 Beldart, Houston, Texas 77033 (713-733-2348) had reserved time to speak but was not present when his name was called. Council Members Tatro, Goldberg, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Mary Roberts, 51113 Kenilwood, Houston, Texas 77033 (713-733-6654) had reserved time to speak but was not present when her name was called. Council Members Tatro, Goldberg, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Ina Beall, 14430 Lorne Dr., Houston, Texas 77049 (281-458-3904) had reserved time to speak but was not present when her name was called. Council Members Tatro, Goldberg, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Melvin Hurd, 3702 Lehall, Houston, Texas 77021 (713-741-8509) had reserved time to speak but was not present when his name was called. Council Members Tatro, Goldberg, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Anita Babineaux, 8660 Flower Path, Houston, Texas 77048 (832-236-0527) appeared and stated that she was present on behalf of Mr. Nanon Williams who was on death row and innocent; that Mayor Brown was the cornerstone of this city and should be the leader in demand for a court of inquiry to help restore faith in a crumbling judicial system; that he would have been acquitted if the correct ballistic evidence would have been presented; that all evidence pointed to his innocence and the HPD Crime Lab and the Harris County DA's Office were partners in crime and both should be investigated and held accountable and she was asking all Council Members to support the resolution calling for the court of inquiry, the suspension of Robert Baldwin, immediate release of Nanon Williams and to declare August 2, 2003, as "Free Nanon Williams Day" in Houston, Texas. Council Members Tatro, Goldberg, Vasquez, Alvarado, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that he had called for a court of inquiry. Council Members Tatro, Goldberg, Vasquez, Alvarado, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Njeri Shakur, 2901 Fulton, Houston, Texas 77009 (713-521-0629) appeared, presented information and stated that Nanon Williams was sent to death row based on the discredited

testimony of the HPD Crime Lab ballistic expert Mr. Robert Baldwin; that Mr. Baldwin had retracted his previous statement and stated that the bullet recovered from the victim's head was a .22-caliber instead of a .25-caliber and came from the gun of Williams' co-defendant; that State District Judge Joan Campbell recommended that Nanon Williams should either be released from custody or retried but he was still sitting on death row and asked that Mr. Robert Baldwin be released from his job and that the Council support a call for his immediate release and declare August 2, 2003, as "Free Nanon Williams Day" in Houston, Texas. Council Members Tatro, Goldberg, Vasquez, Alvarado, Quan, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she and others in the community were in the process of preparing a motion for a court of inquiry if she would like to join in that effort and also members of the Council and the Mayor had called for an immediate moratorium on the death penalty until the whole issue was eliminated. Council Members Tatro, Vasquez, Alvarado, Quan, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Gloria Rubac, 1430 Studewood, Houston, Texas 77008 (713-861-5965) appeared and stated that when someone was innocent and arrested at 17 and now they were almost 29 and still sitting in prison and the expert at HPD said he made a mistake that was a crime; that she wanted to invite the Council Members to meet his mother at his birthday party they would be holding in front of City Hall on August 2nd and she would like to know what to do to get the court of inquiry. Council Members Tatro, Vasquez, Quan, Berry and Robinson absent.

Mayor Brown stated that first a judge had to implement it and any District Court Judge could do it. Council Members Tatro, Vasquez, Quan, Berry and Robinson absent.

Mr. Donald Person, 6650 W. Sam Houston Pkwy North #430, Houston, Texas 77041 (713-466-1551) appeared, presented information and stated that he was a distributor of Solatube and wanted to explain what Solatube was, it was for one story buildings and the top floor of multistory buildings and he would explain why it would reduce the operating budget for the life of the buildings; that Solatube was in the process of getting its energy star rating and cities all over the world were turning to Solatube and he believed Houston should make the same commitment; that it was a compact tubular skylight which brought daylight into a space and it met and exceeded all major building codes and were guaranteed to not leak or crack for a period of ten years or longer; that they presently had them in libraries, jails firehouses, police stations, housing projects, etc., it was an American owned company and available locally and all should feel free to drop by their show room. Council Members Tatro, Goldberg, Vasquez, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that someone from Building Services would go by and take a look. Council Members Tatro, Goldberg, Vasquez, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that she went by his booth at the Greater Houston Builders Show and it was very intriguing to see his product and she spent quite a bit of time investigating it as it looked very efficient and was delighted he came today to bring attention to it and she would underscore her support that he visit with Mr. Baker in Building Services and let them know what kind of relationship was possible because they were certainly interested in making buildings more energy efficient. Mayor Brown, Council Members Tatro, Goldberg, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Mark Talley, 4121 Wipprecht #16, Houston, Texas 77026 (713-675-2889) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Goldberg, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Francis Moore, 8225 Tremont, Houston, Texas 77028 (713-633-4322) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Goldberg, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Ralph Johnson, 5701 Wipprecht, Houston, Texas 77026 (713-635-1910) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Goldberg, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Chernequa Smith, 8610 Woodlyn Street, Houston, Texas 77028 (713-254-0459) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Tatro, Goldberg, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Kim Johnson, 1911 Ruth, Houston, Texas 77004 (713-522-3137) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Tatro, Goldberg, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Emily Farenthold, 1443 Buffalo Speedway #1813, Houston, Texas 77098 (713-202-8307) appeared, presented information and stated that she had been practicing law since the 1980s and in 2000 went back to school to work on a masters degree in law and public health and went over the information she presented which was a flow chart of responsibilities for HPD Crime Lab functions, an expansion of her remarks which included legal citations for assertions she made, the plaintiff's fourth amended original petition in the lawsuit filed by Dr. Libby Johnson against Harris County in 1997, and the final document, the final judgment in that case. Ms. Farenthold stated that HPD's Crime Lab was like a medical lab and incompetence and mismanagement were similarly intolerable because they led to legal failure and unwarranted losses of liberty and life and consequences in the lab were frequently as serious as misdiagnosis of disease and according to petitions submitted in Dr. Johnson's trial the DA engaged in official misconduct and cooperated with other public servants to suppress, sabotage or misrepresent criminal evidence in order to obtain a criminal conviction. Mayor Brown, Council Members Tatro, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that in looking over the material apparently it was a whistle blower case and Dr. Johnson brought a case against Harris County and the court found the case in her favor, but his question was did they have evidence at this point of official repression of evidence that was done with knowledge; and Ms. Farenthold stated that she did not know, but it was important for the Council to know there was a pattern in the relationship between labs and the Prosecutors Office. Mayor Pro Tem Quan stated that he appreciated her bringing this and he was in contact with the Criminal Defense Bar and they were looking at solutions as well and he would try and direct her suggestions to the group. Mayor Brown, Council Members Tatro, Edwards, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Lady Savoy, 1443 West Donavon, Houston, Texas 77091 (713-681-4747) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Tatro, Edwards, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016-5103 (513-633-0126) appeared and expressed his personal opinions until his time expired. Mayor Brown, Council Members Tatro, Galloway, Vasquez, Parker, Berry and Robinson absent. Mayor Pro

Tem Quan presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052 (713-203-7738) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and expressed his personal opinions until his time expired. Mayor Brown, Council Members Tatro, Galloway, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Cheryl Dawson, 8610 Woodlyn Street, Houston, Texas 77028 (713-633-5255) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Tatro, Galloway, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

At 4:13 p.m. City Council recessed until 9:00 a.m., Wednesday, July 16, 2003. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Mayor Brown, Council Members Tatro, Galloway, Vasquez, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, July 16, 2003

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, July 16, 2003, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; and Ms. Stella Ortega, Agenda Office, present. Council Member Mark Ellis out of the city on city business. Council Member Bert Keller absent on city business.

At 8:30 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:08 Mayor Brown reconvened the meeting of the City Council and stated that the first order of business would be the Monthly Financial Report. Council Members Galloway, Alvarado and Berry absent.

MAYOR'S REPORT

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION
REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

Ms. Judy Gray Johnson, Controller, stated that although they had already started their new Fiscal Year and had a new budget in place they were in fact still working with closeouts for Fiscal Year 2003, that the Monthly Financial Report reflected the financial activity through the month of May 2003, that they had previously projected total revenues for the General Fund at

\$1.366 Billion and were revising that estimate slightly downward by \$1.5 million, that the main reason for that change was continued disappointing Sales Tax receipts, that since they published the report they had one more check received which was not quite as disappointing as the previous one, it was down 3.2% so the optimists would say that the declines were less and maybe that was getting better, but they still were seeing Sales Tax checks below the previous year's low, that their current estimate was still a 6.4% decline overall for Fiscal Year 2003 compared with Fiscal Year 2002 and their estimates for 2004 Sales Tax expected the downward trend to continue for the first few months of the next fiscal year and then leveling off and starting an upward trend during calendar 2004, that they had also made some minor adjustments to Telephone Franchise Fees, Miscellaneous Other Revenues downward and an increase in Gas Franchise Fees because the gas prices continued to stay so high, that all of those increases were not enough to offset the downward trend in Sales Tax for the net of \$1.5 million downward, that in the final days of 2003 they did implement a very short term interim borrowing authority from the Rainy Day Fund in order to cover the last payroll of the year, that it was \$9 million and was repaid with interest on July 1, 2003, that as they begun Fiscal 2004 she would remind City Council that the revenue estimates from the Controller's office were less than those in the adopted budget, that it could lead to a continuation of some of the problems they experienced last year and would certainly hope that the administration and City Council would work together to build a backup plan, a contingency plan, so they would all know what would happen should the revenue's not come in at budget and that she would be happy to answer any questions. Council Member Berry absent.

Dr. Philip Scheps, Director, Finance and Administration stated that there was nothing in the report that was not already discussed in the budget so the report itself was a little bit of anti-climatic because it was only for 11 months of the year, that as Judy mentioned the year end cash close was successful, that she mentioned that they had moved money from the Rainy Day Fund but that was merely as a precaution, they did not need it and actually thought they had repaid it June 30, 2003 when they realized they did not need the Rainy Day Fund and thought they ended with about \$ 8 million in cash in the bank, not counting the Rainy Day Fund, which they moved the day before just in case, because they got down close to the wire, that he considered it successful with a positive \$8 million cash balance, that he wanted to thank the Controller's office and Public Works , that everybody worked very hard to try to maximize that cash at the last minute, that they were trying to accelerate checks and everybody participated and got most of the inter fund transfers done, that Judy also mentioned the Sales Tax check, that it was disappointing but it was not different than their projections, so the things they saw during the budget process, the last check, even though it was less than 2002, it was consistent with the projections, that at some point and time those checks needed to start climbing, there was no doubt about it, that as Judy mentioned the TRANS borrowing was extremely advantageous, they had those historical low rates, that the line item actually over budgeted, they had too much in the budget for interest expense but of course they had a tight budget, that they had more in the budget than they needed thanks to the very advantageous TRANS borrowing done at the last few days of the year done at extremely low interest rates so that was one positive factor, and that concluded his report. Council Members Alvarado and Berry absent.

Upon questions by Council Members, Dr. Scheps stated that the City Council authorized them, for a few days over year end, to move Rainy Day money, just for cash purposes, to be moved back July 2, 2003, that they did move it but did not need it, that they did not authorize spending, they authorized merely a weekend use of the cash, that spending and interim use for cash was totally different, that the City Council should really give them automatic ability, over a weekend, to use that money for cash, whether the ordinance for a super majority would cover the cash borrowing he was not sure, that they had a very low cash ending balance at the end of the year, so ideally their cash balance would be enough that they would not need, even for two days, to use it. Council Members Alvarado and Berry absent.

Upon questions by Council Members, Ms. Johnson stated that it was something that was voted on, but going forward she would say that was something that Council should strongly

consider, which way they wanted to go on, that the ideal would be that the amounts of the Rainy Day Fund would be set aside and not be available for interim borrowing, because they would not be needed for that, that the ideal would be that they would have enough cash otherwise that it would not even be a question, that ought to be the goal, that she would think it should require the super majority, that as to the ending balance she was not really speaking so much for Fiscal 2003 and thought their ending balance estimates for 2003 were not significantly different from F&A on that, she was speaking more to Fiscal 2004 in that the Controller's projections for revenues in 2004 were about \$17 million less than the adopted budget, so that was something to be concerned about. Council Members Berry and Robinson absent.

Council Member Vasquez stated that he wanted to bring Dr. Scheps attention to the Performance Measures under Public Works and Engineering, specifically the roadside ditch regrading, they were about 100 lane miles short, and on the contract for overlays, they did not do any of them and under the Sidewalk Program Construction they were about 40 lane miles short and under Water Repairs Completed they were about 8,000 short and asked for an update or some type of briefing on where they were with it and if they were going to meet that goal and if they had not, why not, and what they were going to do to make up for that in the next fiscal year. Council Members Berry and Robinson absent.

Council Member Parker moved to adopt the Monthly Financial Report, seconded by Council Member Quan. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Members Berry and Robinson absent. MOTION 2003-0883 ADOPTED.

Council Member Vasquez moved to suspend the rules to consider Item Numbers 18, 18a, 28, 31 and 43 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Members Berry and Robinson absent. MOTION 2003-0884 ADOPTED.

18. **ORDINANCE AMENDING ARTICLE XIV OF CHAPTER 45 THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Collections for Unresolved Parking Citations from persons whose vehicles are towed – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Member Berry absent. ORDINANCE 2003-0642 ADOPTED.

18a. ORDINANCE approving and authorizing first amendment to contract between City and **MILAM STREET AUTO STORAGE, INC D/B/A FAST TOW** and/or **ZONE ONE AUTO STORAGE AND SALES** for Towing and Storage Services (Boot Program) for Municipal Courts Department – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Member Berry absent. ORDINANCE 2003-0643 ADOPTED.

Council Member Vasquez stated that he wanted to congratulate and thank Ms. Janette Rash on the two items, that she was providing some services to the City free of charge and wanted to thank her for that, that she was a constituent in his district and also President of the Northside Management District, that he wanted to thank her for her contributions and support of the City as a whole and for all of the work that she did in the community. Council Members Tatro and Berry absent.

28. ORDINANCE approving and authorizing contract between the City of Houston and **1ST HUMAN CAPITAL** providing up to \$65,000.00 for the Administration of a Day Labor Program - CDBG Fund - **DISTRICT H – VASQUEZ** – was presented, and tagged by Council Member Wiseman. Council Members Tatro and Berry absent. (Note: Council Member Wiseman removed her tag later in the meeting.)

31. ORDINANCE granting conditional approval to engineering services agreement between the City and **KELLOGG, BROWN & ROOT, INC** for Preparation of the Ship Channel Wastewater Reclamation and Reuse Feasibility Study; approving and authorizing interlocal agreements between the City and both the **COASTAL WATER AUTHORITY** and **GULF COAST WASTE DISPOSAL AUTHORITY** in support of the Ship Channel Wastewater Reclamation and Reuse Feasibility Study; approving and authorizing application for grant from the **TEXAS WATER DEVELOPMENT BOARD** to provide partial funding for the Ship Channel Wastewater Reclamation and Reuse Feasibility Study and authorizing the Director Department of Public Works & Engineering to act on the City's behalf in the grant application process, including execution of the grant contract and acceptance of the grant funds; appropriating \$360,862.50 out of grant funding expected from the Texas Water Development Board and \$100,000.00 out of funding expected from the Gulf Coast Waste Disposal Authority - \$232,962.50 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Member Berry absent. ORDINANCE 2003-0644 ADOPTED.

43. ORDINANCE **AMENDING THE CITY OF HOUSTON CONSTRUCTION CODE** and the **CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Fees – (This was Item 10 on Agenda of July 2, 2003, TAGGED BY COUNCIL MEMBER WISEMAN) – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Member Berry absent. ORDINANCE 2003-0645 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 40

ACCEPT WORK - NUMBERS 9 through 10

9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,138,242.27 and acceptance of work on contract with **TROY CONSTRUCTION, L.L.P.**, for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-20-3 (4235-10) - 00.80% under the original contract amount – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Member Berry absent. MOTION 2003-0885 ADOPTED.

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$612,548.00 and acceptance of work on contract with **PEPPER-LAWSON CONSTRUCTION, L.P.** for East Water Purification Plant I Sedimentation Basins A and B Replacements, GFS S-0056-Y9-3 (10536-3) - 02.46% under the original contract amount **DISTRICT E - WISEMAN** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Member Berry absent. MOTION 2003-0886 ADOPTED.

PROPERTY - NUMBER 11

11. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from David Meredith of Pinnell Survey Co., on behalf of F. W. Gartner Thermal Spraying (Michele Falzon, president), for encroachment agreement for a ±0.7-foot building encroachment into Woodleigh Avenue, located at 3824 Lamar Street, adjacent to Lots 12 and 13, Block 5, Woodleigh Addition, Parcel ENY3-002 - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on

city business. Council Member Berry absent. MOTION 2003-0887 ADOPTED.

ORDINANCES - NUMBERS 20 through 36

20. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide utility easement, containing 583.9 square feet of land, more or less, Parcel SY1-003A and two 5-foot-wide aerial easements, containing an aggregate of 546.3 square feet of land, more or less, Parcels SY1-003B and SY1-003C, being out of Lots 11 and 13, Block 3, Pine Wood Estates, James Wharton Survey, Harris County, Texas; vacating and abandoning Parcels SY1-003A, SY1-003B and SY1-003C to Lynda M. Kornbleet, the abutting owner in consideration of the owner's dedication of a utility easement containing 404 square feet of land, more or less, and payment of \$2,760.00 and other consideration to the City - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Member Berry absent. ORDINANCE 2003-0646 ADOPTED.
22. ORDINANCE approving and authorizing the sale to **CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC**, of a 10-foot wide easement, across a portion of the City's 1.0148-acre, fee-owned tract, located at 201 McKee Street, South Side Buffalo Bayou, John Austin Two League Grant, Abstract 1; Parcel Number SY2-034; subject to the terms and conditions of the easement **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Member Berry absent. ORDINANCE 2003-0647 ADOPTED.
23. ORDINANCE consenting to the addition of 82.21 acres of land to **GRAND MISSION MUNICIPAL UTILITY DISTRICT NO. 1**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Member Berry absent. ORDINANCE 2003-0648 ADOPTED.
24. ORDINANCE consenting to the addition of 68.09 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 1**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Member Berry absent. ORDINANCE 2003-0649 ADOPTED.
25. ORDINANCE consenting to the addition of 261.06 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 49**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Member Berry absent. ORDINANCE 2003-0650 ADOPTED.
26. ORDINANCE issuing a permit to **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY** for constructing, maintaining, using, occupying, operating and repairing certain vault space, Tieback Vault Space, and aerial encroachments adjacent to Block 1, Restricted Reserve "A" Downtown Transit Center / Administration Office Building, and within portions of Pierce Avenue, Main Street, and St. Joseph Parkway, such space and encroachments being within public street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Member Berry absent. ORDINANCE 2003-0651 ADOPTED.

- 26-1. ORDINANCE issuing a permit to **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY** for constructing, maintaining, using, occupying, operating and repairing a Pedestrian Bridge within the 6900 block of Fannin Street, a public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Member Berry absent. ORDINANCE 2003-0652 ADOPTED.
35. Omitted
36. ORDINANCE appropriating \$278,667.49 out of Water & Sewer System Consolidated Construction Fund and appropriating \$362,443.93 from the Street & Bridge Consolidated Construction Fund and approving and authorizing interlocal agreement between **FORT BEND COUNTY** and the City of Houston for Reconstruction of West Belfort Avenue from SH 6 to Eldridge Parkway, CIP N-0614-01-2 (SB9128); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund and the Street & Bridge Consolidated Construction Fund - **DISTRICT F - ELLIS** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Member Berry absent. ORDINANCE 2003-0653 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. RECOMMENDATION from City Secretary to grant request of **B & D CONSTRUCTION COMPANY, INC** to substitute Official Bid Bonds for Cashier's Checks submitted with four formal bids – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Member Berry absent. MOTION 2003-0888 ADOPTED.
2. RECOMMENDATION from Chief of Police for approval of Injury on Duty Leave Extension for Police Officer **KEVIN TOLLS** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Member Berry absent. MOTION 2003-0889 ADOPTED.
3. RECOMMENDATION from Chief of Police for supplemental allocation of \$267,084.00 for the Unisys Master Agreement for the Police Department Unisys mainframe and software - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Goldberg. Council Member Berry absent.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of supplemental allocation of funds in the amount of \$253,000.00 for Professional Engineering Services contract between the City and **TURNER COLLIE & BRADEN INC** for Governmental Accounting Standards Board (GASB) Statement No. 34 Drainage Assessment Program; GFS M-0126-51-2 (SM5029) – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Robinson. Council Member Berry absent.

Council Member Robinson stated that he wanted someone to visit with him, and Mayor

Brown stated that they would have someone visit with him. Council Member Berry absent.

DAMAGES

5. RECOMMENDATION from City Attorney for settlement of lawsuit styled **STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY as subrogee of JOHN KRUKIEL v. City of Houston and Padmakant Khambhati**; in the 125th Judicial District Court of Harris County, Texas; Cause No. 2001-54539 - \$38,500.00 - Property and Casualty Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Wiseman. Council Member Berry absent.

ACCEPT WORK

6. RECOMMENDATION from Acting Director Building Services Department for approval of final contract amount of \$197,165.85 and acceptance of work on contract with **JERDON ENTERPRISE, L.P., INC** for Shady Grove Plaza (Eleanor Tinsley Park), GFS D-0100-10-3 05.00% over the original contract amount - **DISTRICT H - VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Member Berry absent. MOTION 2003-0890 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,508,207.62 and acceptance of work on contract with **CONRAD CONSTRUCTION CO., INC** for Construction of Fulton Road from Lyerly to Tidwell, GFS N-0542-01-3 (N-0542-01) - 10.80% over the original contract amount - **DISTRICT H - VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Tatro. Council Member Berry absent.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,313,183.81 and acceptance of work on contract with **CONRAD CONSTRUCTION CO., INC** for Construction of West Little York Road from Bingle Road to City Limits, GFS N-0586-05-3 (N-0586-05) - 00.87% under the original contract amount - **DISTRICT A-TATRO** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Member Berry absent. MOTION 2003-0891 ADOPTED.

PURCHASING AND TABULATION OF BIDS

12. **AMEND MOTION #2001-1272, 11/28/01, TO INCREASE** award to purchase additional Electronic Parking Meters for Municipal Courts Administration, awarded to **POM, INC** for a total increase of \$169,940.27 - Equipment Acquisition Consolidated Fund – was presented and tagged by Council Member Wiseman. Council Member Berry absent.

Council Member Alvarado stated that she knew they were amending something that was passed prior to her coming to Council but she wanted to visit with someone from Municipal Courts, she guessed Ms. Sudhoff, regarding the parking meter database that was an amendment of hers that the administration committed to reviewing and studying because when she asked about certain parking meter rates she could not get an answer, for example, what the meter rate was for parking meters under Pierce elevated and was not sure if they had a database or if they did not have the wherewithal to have a listing of what all the meter rates were in the downtown area, that she would also hope that they could move forward to what other cities were doing, where they simply did not have to rely on having enough change in their pocket to pay for the meters, especially if they were going to raise the meter rates, but simply some type

of a card that they could debit each time they paid for meters, that she raised the question during one of the committee meetings and was told that they did not have the funding for that but she would hope there was a way that they could at least think progressively and thought it would be a benefit to the City if they could move in that direction and thought it was probably more cost effective in the long run if they could do that, and Mayor Brown stated that they would have someone meet with her on that. Council Member Berry absent.

Council Member Sekula-Gibbs moved to suspend the rules to hear from Ms. Barbara Sudhoff, Municipal Courts at this time, seconded by Council Member Quan. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Member Berry absent. MOTION 2003-0892 ADOPTED.

Upon questions by Council Member Sekula-Gibbs, Ms. Sudhoff stated that the technology was available, it was just very expensive at this time, they had been in discussions with Reino and POM regarding the technology and what they were talking about was that the jump of the meter would be another \$300 per meter so at this time the issue was funding, that the meters that they were purchasing in Item No. 12 were electronic double parking meters and were \$485, if they had the smart card capability they were having to consider probably another \$250 per meter at this time, that what each meter generated per day depended on the area and the location and also the type of meter, that they could provide the Council Members with some of their studies and she could meet with both the Council Members who had questions because they did have some proposals to implement those meters, but the first priority for them was to replace all of the mechanical meters, that they had about 2,800 mechanical meters and systematically they were trying to replace them with electronic meters, that they could increase the technology, so yes adding on capacity was a feature that they could look into. Council Members Vasquez and Berry absent.

Upon questions by Council Member Robinson, Mr. Haines stated that they did have an RFP going out in the next 10 days that focused on outsourcing options dealing with both acquisition and maintenance and towing and so forth, that it was the old meters that did not work, they were the ones that were the problem, that the electronic meters would be easily transferable under an outsourcing relationship, that idea, as Ms. Sudhoff stated, had capacity to be technology enhanced, that in other words they did not have to change them out to do what Council Member Sekula-Gibbs had suggested, they just simply would put a little chip into the end of the meter, that was what the \$250 was for.

Upon further questions by Council Members, Ms. Sudhoff stated that she did not know the deadline for response to the RFP, that she knew that the RFP was being finalized and would certainly look into the deadline to it and provide them with a response, that part of the RFP that they were releasing was that the vendors could provide a response where the technology for credit card system was involved and coin collection was part of the RFP review, that the RFP allowed vendors to propose a variety of solutions with technology and improvements in collections regarding coin collection so they would certainly consider those and evaluate those proposals. Council Members Edwards and Parker absent.

Mayor Brown stated that as Mr. Haines pointed out they would have an RFP on the streets and would look at the state of the art in terms of what could be done to generate more revenue. Council Members Edwards and Parker absent.

Upon further questions, Ms. Sudhoff stated that they were purchasing \$169,000 worth of meters in Item No. 12, that it was a purchase from POM, that replacing the mechanical meters was an investment, that the mechanical meters breakdown and had higher maintenance cost, more problems because a lot of the citations were dismissed because there were errors, so electronic meters were the answer, that what the Council Members were requesting was for them to look at additional technology on top of the electronic meter, the electronic meter was an investment and they were on the right path to replace the mechanical with the electronic, that

with the RFP they could look at further improvements, so it was not a waste of money but rather an investment and proceeding along the path that Council had indicated that they wanted to pursue. Council Members Edwards and Parker absent.

Council Member Tatro stated that he had met with the Cottswold group and understood they were utilizing Reino meters and asked if they was correct, and Ms. Sudhoff stated that she did not know all of the meters they were using but knew they had Reino, and Council Member Tatro asked Ms. Sudhoff to check with the Cottswold group to verify the direction they were headed and the direction that the City was headed with the purchase. Council Member Edwards absent.

Mayor Brown stated that Item No. 12 had been tagged by Council Member Wiseman and Council Member Sekula-Gibbs stated that she would like to add her tag to the item. Council Member Edwards absent.

13. **C & G WHOLESALE (Bid No. 1)** - \$191,604.40, **C & G WHOLESALE (Bid No. 2)** - \$353,463.00, **GT DISTRIBUTORS, INC** - \$297,658.66, **PRECISION DELTA CORP. (Bid No. 1)** - \$65,590.20, **PRECISION DELTA CORP. (Bid No. 2)** - \$45,469.10 and **TACTICAL USA (Bid No. 2)** \$280,578.68 for Ammunition, Accessories and Supplies for Houston Fire and Police Departments \$1,234,364.04 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Member Edwards absent. MOTION 2003-0893 ADOPTED.
14. **TEXAS DEPARTMENT OF HEALTH, BUREAU OF LABORATORIES** for Laboratory Testing Services for Department of Public Works & Engineering - \$70,000.00 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Member Edwards absent. MOTION 2003-0894 ADOPTED.
15. ORDINANCE appropriating \$365,143.82 out of Water & Sewer Consolidated Construction Fund for Emergency Safety and Regulatory Repairs/Improvements at the Willow Run WWTP for Public Works & Engineering Department, CIP R-0801-10-3 – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Member Edwards absent. ORDINANCE 2003-0654 ADOPTED.
- 15a. **R J CONSTRUCTION COMPANY, INC** for Emergency Safety and Regulatory Repairs/Improvements at the Willow Run Wastewater Treatment Plant for Department of Public Works & Engineering - \$331,203.11 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Member Edwards absent. MOTION 2003-0895 ADOPTED.
16. **AMEND MOTION #2000-1017, 8/16/00, TO EXTEND** expiration date from August 16, 2003 to August 15, 2004, for Criss-Cross Directories for Various Departments, awarded to **COLE INFORMATION SERVICES** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez.

Council Member Quan stated that on the item he was a bid concerned, that they had an authorization of \$187,000 in 2001 and still had a balance of \$102,000 on the contract and knew they were not asking for a new authorization but he did not know if people were actually using the crisscross directories at this time, and stated that he wanted to tag the item to do a real careful

review to see whether it was worth it to continue or reallocate the funds, and Mayor Brown stated that Item No. 16 was tagged by Council Member Quan.

17. **NORTHWEST PIPE COMPANY** - \$610,800.00 and **CHANNEL TRACK/MAXISTRUT** \$112,557.60 for Sign Posts and Associated Hardware for Various Departments - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Tatro.

Council Member Tatro stated they could refer questions to Council Member Keller.

ORDINANCES

19. ORDINANCE **AMENDING SECTION 45-172 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to Increase Parking Meter Rates – was presented, and tagged by Council Member Berry.
21. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two 5-foot-wide easements and two 5-foot-wide aerial easements, out of Lots 7-10 and the west 10 feet of Lot 11, and a 10-foot-wide utility easement along the west property line of Lot 11, all located in Westheimer Estates, Harvey Sanderson Survey, Harris County, Texas; vacating and abandoning (i) Parcel SY2-061A, a 5-foot-wide easement, (ii) Parcel SY2-061B, a 10-foot-wide utility easement, and (iii) Parcel SY2-061C, a 5-foot-wide aerial easement to Alkitsa Investment Limited, Inc., abutting owner in consideration of its payment of \$7,313.00, \$13,650.00 and \$300.00 minimum fee, respectively, and other consideration to the City; and vacating and abandoning (iv) Parcel SY2-064A, a 5-foot-wide easement, and (v) Parcel SY2-064B, a 5-foot-wide aerial easement to Crisofi Ltd., Inc., abutting owner, in consideration of its payment of the \$300.00 minimum fee for each parcel, and its dedication of Parcel VY2-022, a 10-foot-wide utility easement along the west property line of Lot 7, also located in Westheimer Estates, Harvey Sanderson Survey, Harris County, Texas, and other consideration to the City **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. ORDINANCE 2003-0655 ADOPTED.

Council Member Wiseman stated that she wanted to remove her tag on Item No. 28, and Mayor Brown stated that they would consider Item No. 28 at the end of the agenda.

27. ORDINANCE approving and authorizing first amendment to supplemental agreement between the City, **THE FOUNDATION FOR JONES HALL, THE HOUSTON SYMPHONY SOCIETY** and **THE SOCIETY FOR THE PERFORMING ARTS** to provide for certain repairs to Jones Hall and containing certain other provisions regarding Theatrical Equipment - \$450,000.00 - Enterprise Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. ORDINANCE 2003-0656 ADOPTED.
29. ORDINANCE approving and authorizing the City of Houston to submit an application for the Shelter Plus Care Program in the amount of \$1,549,860.00 to the **UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT** under the authority of Title IV, Subtitle F, of the Stewart B. McKinney Homeless Assistance Act; to accept the aforementioned grant funds, if awarded - Grant Fund – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. ORDINANCE 2003-0657 ADOPTED.
30. ORDINANCE approving and authorizing fourth amendment to contract between the City of Houston and **COALITION FOR THE HOMELESS OF HOUSTON/HARRIS COUNTY** to

extend the term and provide up to an additional \$121,000.00 of Community Development Block Grant Funds for Operation of a Homeless Services Database and provision of other Homeless related Information Services, which amount includes a limitation on additional funding in the amount of \$91,942.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. ORDINANCE 2003-0658 ADOPTED.

32. ORDINANCE amending Ordinance Number 2002-666 to increase the maximum contract amount for the Temporary Service Contracts between the City and **A-1 PERSONNEL OF HOUSTON, INC, ALL TEMPS PERSONNEL SERVICE, INC, ALLTECH SYSTEMS, INC, ALSO TEMPS INC, BERGAILA & ASSOCIATES, INC, CRINER-DANIELS & ASSOCIATES, INC, DATALOGIC CONSULTING, INC, ELITE PERSONNEL CONSULTANTS, INC D/B/A EVINS TEMPORARIES, EXECUTEAM CORPORATION, MANAGED STAFFING D/B/A BESTSTAFF SERVICES, INC** and **SILVER & ASSOCIATES, INC** for Temporary/Information Technology Staffing for the Human Resources Department; providing a maximum contract amount - \$7,000,000.00 - Central Services Revolving Fund – was presented, and tagged by Council Members Wiseman, Tatro, Berry, Sekula-Gibbs and Galloway.
33. ORDINANCE approving and authorizing contract between the City and the **UNIVERSITY OF HOUSTON-DOWNTOWN, DEPARTMENT OF CRIMINAL JUSTICE** for Reimbursement for Overtime Expenses related to the ADAM Study - (Arrestee Drug Abuse Monitoring) – was presented, and tagged by Council Member Goldberg.
34. ORDINANCE amending Ordinance No. 2002-766 to correct funding allocations for contract between the City and **RAY SMITH CONSTRUCTION, INC** for West Orem Paving from S. H. 288 to proposed Kirby Drive, GFS N-0602-02-3 (SB9106) - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. ORDINANCE 2003-0659 ADOPTED.
37. ORDINANCE appropriating \$3,000,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for purchase of Water Meters under the Cold Water Meter contract with **BADGER METER, INC** (approved by Council Motion No. 2001-1102 – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. ORDINANCE 2003-0660 ADOPTED.
38. ORDINANCE appropriating \$457,632.00 out of Street & Bridge Consolidated Construction Fund, awarding construction contract to **INFRASTRUCTURE SERVICES, INC** for Installation of Speed Humps; providing funding for engineering testing, construction inspection and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund, GFS N-0660-06-3 (SB9130) – was presented, and tagged by Council Members Wiseman and Sekula-Gibbs.
39. ORDINANCE appropriating \$1,835,442.00 out of Water & Sewer System Consolidated Construction Fund and awarding construction contract to **LAUGHLIN-THYSSEN, LTD.** for Construction of Water Line Replacement Work Orders, CIP S-0035-R2-03 (WA10633-02); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. ORDINANCE 2003-0661 ADOPTED.
40. ORDINANCE appropriating \$2,600,000.00 out of Parks Consolidated Construction Fund

No. 421 for payment into the Zoo Transition Fund established pursuant to the terms of the lease and services agreement between the City of Houston, Texas and the **HOUSTON ZOO DEVELOPMENT CORPORATION** – was presented, and tagged by Council Members Tatro and Wiseman.

Council Member Tatro stated that the tag was for Council Member Keller.

NON CONSENT AGENDA - NUMBER 41

PROPERTY

41. RECOMMENDATION from Director Department of Public Works & Engineering to declare surplus and authorize the sealed bid sale of the ±6,000-square foot parcel located at 2002 Blodgett, Lot 7, Block 1, Riverside Terrace, Section 1, and authorize the City Secretary to advertise the property for sealed bid sale to the highest bidder at the minimum appraised bid amount, Parcel SY1-044 - **APPRAISERS - DISTRICT D – EDWARDS** – was presented.

Council Member Edwards named Mr. Charles Chambless and Mr. John Rencher as appraisers and moved approval of the recommendation, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. Council Member Edwards absent. MOTION 2003-0896 ADOPTED.

MATTERS HELD - NUMBERS 42 through 54

42. MOTION by Council Member Parker/Seconded by Council Member Vasquez to adopt recommendation from Director Office of Public Safety and Drug Policy for approval of Change Order No. 1 on contract with **PRC PUBLIC SECTOR, INC** for additional scope related to Implementation of Houston Emergency Center Consolidated Dispatching System – (**This was Item 4 on Agenda of July 2, 2003, TAGGED BY COUNCIL MEMBERS TATRO and PARKER**) – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. MOTION 2003-0897 ADOPTED.
44. ORDINANCE approving and authorizing lease agreement between the **WAYSIDE BUSINESS CENTER, LTD.**, as landlord, and the City of Houston, Texas, as tenant, for space at 4300 S. Wayside for use by the Public Works & Engineering Department - **DISTRICT I - ALVARADO – (This was Item 4 on Agenda of July 2, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. ORDINANCE 2003-0662 ADOPTED.
45. ORDINANCE approving and authorizing settlement and full and final release between the City of Houston and **GLORIA RODRIGUEZ AND DOW, GOLUB, BERG & BEVERLY, L.L.P.** to settle a lawsuit - \$160,340.00 - Property and Casualty Fund – (**This was Item 17 on Agenda of Jul7 2, 2003, TAGGED BY COUNCIL MEMBER ELLIS**) – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. ORDINANCE 2003-0663 ADOPTED.
46. ORDINANCE approving and authorizing contract between the City and **AON CONSULTING, INC** for Consulting Services for the Health Benefits Program; providing a maximum contract amount 3Years with two one-year options - \$1,509,000.00 - Health Benefits Fund – (**This was Item 18 on Agenda of July 2, 2003, TAGGED BY COUNCIL MEMBERS EDWARDS, TATRO, KELLER and SEKULA-GIBBS**) – was presented.

Council Member Tatro moved to postpone Item No. 46 for one week, seconded by Council Member Wiseman. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. MOTION 2003-0898 ADOPTED.

47. ORDINANCE approving and authorizing contract between the City and **THE SEGAL COMPANY (TEXAS), INC** for Consulting Services for the Health Benefits Program; providing a maximum contract amount - 3 Years with two one-year options - \$235,000.00 - Health Benefits Fund – (This was Item 19 on Agenda of July 2, 2003, TAGGED BY COUNCIL MEMBERS ELLIS, SEKULA-GIBBS, KELLER, TATRO and EDWARDS) – was presented.

Council Member Tatro moved to postpone Item No. 46 for one week, seconded by Council Member Wiseman. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. MOTION 2003-0899 ADOPTED.

48. ORDINANCE amending Ordinance No. 97-1017 (passed by City Council on August 20, 1997) to increase the maximum contract amount and approving and authorizing first amendment to contract between the City and **AMERICAN MANAGEMENT SYSTEMS, INC** for Computer Software Maintenance Services for Information Technology Department - \$421,000.00 - General Fund – (This was item No. 20 on Agenda of July 2, 2003, TAGGED BY COUNCIL MEMBERS ELLIS, KELLER and SEKULA-GIBBS) – was presented, and tagged by Council Member Quan.

Council Member Sekula-Gibbs requested that if there were some questions that the Council Member would like to have answered that somebody make an attempt to do that because she was told by Mr. Wells that it was a pretty important matter and needed to move in order to expedite some of the financial processes of the City, including some checks that needed to be issued, and Council Member Quan stated that his reading of the RCA was that it did not expire until November 2003, that in talking with Mr. Lewis there was no problem with the tag on the item.

49. ORDINANCE amending Ordinance No. 01-0625 (passed by City Council on June 27, 2001) to increase the maximum contract amount and approving and authorizing first amendment to contract between the City and **COMPUWARE CORPORATION** for Mainframe Computer Software Maintenance Services for Information Technology Department - \$194,000.00 - General Fund – (This was item No. 21 on Agenda of July 2, 2003, TAGGED BY COUNCIL MEMBERS ELLIS and SEKULA-GIBBS) – was presented, and tagged by Council Member Quan.

50. ORDINANCE amending Ordinance No. 96-656 to increase the maximum contract amount for contract between the City of Houston and **COMPUTER ASSOCIATES INTERNATIONAL, INC** for Additional Software Maintenance and Support Services for Municipal Data Center SYSview Operating Software System - \$324,100.00 - General Fund – (This was item No. 22 on Agenda of July 2, 2003, TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS, ELLIS AND GOLDBERG) – was presented, and tagged by Council Member Quan.

51. ORDINANCE appropriating \$7,746,000.00 out of Fire Consolidated Construction Fund, approving and authorizing purchase of easements and other interests in real property and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs and Expert Witness Fees for and in connection with, and finding a public necessity for, the Renovation and Expansion of the Training Academy, CIP C-0068, the Fire Station No. 37 Relocation Project, CIP C-0147, the Downtown Superstation, CIP C-0149; and

replenishing existing Fund CNA-00-1 for payment of Appraisal Costs and Title expenses for various projects in the Fire Department Capital Improvement Plan - **DISTRICTS C - GOLDBERG; E - WISEMAN and I - ALVARADO** – (**This was item No. 23 on Agenda of July 2, 2003, TAGGED BY COUNCIL MEMBERS PARKER, BERRY and SEKULA-GIBBS**) – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. ORDINANCE 2003-0664 ADOPTED.

52. ORDINANCE appropriating \$218,748.10 out of Storm Sewer Consolidated Construction Fund and approving and authorizing amendment to construction contract with **TEXAS STERLING CONSTRUCTION, LP** for Construction of Knollwood Village Drainage Improvements, (passed by Ordinance No. 2002-0588), CIP M-0252-01-3 (SM5016) - **DISTRICT C - GOLDBERG** – (**This was item No. 31 on Agenda of July 2, 2003, POSTPONED BY MOTION #2003-874**) – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. ORDINANCE 2003-0665 ADOPTED.
- 52a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 2 in the amount of \$238,955.32 on contract with **TEXAS STERLING CONSTRUCTION, LP** for Construction of Knollwood Village Drainage Improvements, CIP M-0252-01-3 (SM5016) - **DISTRICT C - GOLDBERG** – (**This was item No. 31a on Agenda of July 2, 2003, POSTPONED BY MOTION #2003-874**) – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. MOTION 2003-0900 ADOPTED.
53. ORDINANCE appropriating \$114,180.90 out of Water & Sewer System Consolidated Construction Fund and \$138,000.00 out of Affordable Housing Midtown Bond Fund; and approving and authorizing Developer Participation Contract between the City of Houston and **DOMINION COMMUNITY DEVELOPMENT CORPORATION, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of the Dominion Estates Subdivision, CIP R-0800-81-03 and S-0800-81-03 - **DISTRICT A – TATRO** – (**This was Item 33 on Agenda of July 2, 2003, POSTPONED BY MOTION #2003-877**) – was presented.

Council Member Wiseman moved to postpone Item No. 53 for one week, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. MOTION 2003-0901 ADOPTED.

54. ORDINANCE awarding construction contract **SER CONSTRUCTION PARTNERS, LTD** for Construction of Water, Sanitary Sewer and Storm Water Systems for Section Three of the Tierra Glen Subdivision CIP S-0800-79-03 and R-0800-79-03; approving an assignment of this construction contract to **BEAZER HOMES OF TEXAS, L.P.** - **DISTRICT E - WISEMAN** – (**This was item No. 34 on Agenda of July 2, 2003, POSTPONED BY MOTION #2003-878**) – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent on city business. ORDINANCE 2003-0666 ADOPTED.
28. ORDINANCE approving and authorizing contract between the City of Houston and **1ST HUMAN CAPITAL** providing up to \$65,000.00 for the Administration of a Day Labor Program - CDBG Fund - **DISTRICT H – VASQUEZ** – was again before Council, and tagged by Council Member Berry. Council Member Tatro absent.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Wiseman stated that she wanted to take an opportunity to thank an employee with Public Works, that Mr. Art Kidder did a great job of responding very promptly to a call they received from a constituent yesterday when they started to get some heavy rains, that they addressed the issue and she wanted to thank him for that. Council Members Tatro and Berry absent.

Council Member Wiseman stated that she wanted to visit with the Parks Department Director, that she was very concerned about a situation in her district, they had a park that had not been used for many years and they had some little league football teams that were in dire need of a home field and they had secured the generous labor of a private contractor to assist them in putting that field in so that the kids, this year, could have a field, that unfortunately they had been having some problems with the Parks Department in cooperating with them in the matter and she would like the Mayor's assistance on it, and Mayor Brown stated that they would have the director meet with her. Council Members Tatro and Berry absent.

Council Member Galloway stated that the Reverend Chris Wright, who was in her district and had been strong community leader and worked on various community projects, was struck by an oncoming car and was in pretty serious condition, that he was still in intensive care, that they would be having prayer vigil tonight at this church, Grace Temple on West Montgomery and wanted all of colleagues to be in prayer for Reverend Wright's family. Council Member Tatro absent.

Council Member Galloway stated that she wanted to thank the Parks people, the Director and the administration for doing a fantastic job as it related to some projects and activities going on in her district.

Council Member Robinson stated that he wanted to thank the employees in the Solid Waste Department, that a number of them were out and about in his neighborhood before the weather just doing their normal good job and ran across them while they were at work in the Montrose area and they were responding pretty expeditiously to some concerns he had raised so he wanted to let Mr. Buck Buchanan know that his people were out there and were on the ball.

Council Member Robinson stated that on Friday, August 8, 2003, he was sponsoring, on behalf of the Northeast YMCA, a golf tournament at Gus Wortham, that it was for a worthy cause to support the Northeast YMCA in their effort to help young people in the northeast community, that there would be registration starting at 7:30 a.m. Council Member Goldberg absent.

Council Member Edwards stated that she wanted to congratulate SHAPE Community Center, that they were embarking on their 16th year of the Freedom Tour where they took a number of kids from the Houston area through the south on the route of the Civil Rights workers and the freedom bus tours, that they did still need some help raising funds and were about \$10,000 short, so she was sure they would appreciate anyone who could help them with that effort, the number they could call was 713-521-0629 or go by the center on Live Oak, that it was an awesome experience. Council Members Galloway and Goldberg absent.

Council Member Edwards stated that she and Council Member Alvarado were at a meeting last night regarding the Baldwin Park situation and regarding the reverend who was feeding the homeless in Root Square Park and wanting to move to Baldwin Park because of the changes, she was in agreement with Council Member Alvarado that it was a bad move and should not happen, that it was amazing to her that a citizen could sit in a public meeting and say that he did not have to have a permit because of who he was and what he did and supposedly that was his position, that she had two concerns, one was operating in a park, that the park was governed by a C&E and asked if there was still a permit required for them to do that kind of work in that park, and secondarily, if they were serving food on a regular basis to people, out of the trunks of their cars, was that a health violation, that she thought the homeless had to have the same

assurance that the City was looking out for their welfare as for anyone else, that the park was in Council Member Alvarado district, but a lot of the constituents of Midtown were in District D, so she was just adding her voice to Council Member Alvarado's lead to say that it was not the move that they needed to make and would definitely be opposed to it and had talked to the Parks and Recreation Department about and thought that it was something they needed to look at. Council Members Galloway and Goldberg.

Council Member Vasquez stated that he wanted to bring to their attention that the 8th Annual Little League Tournament would kickoff tomorrow evening at Moody Park in his district, that the tournament was host to 61 teams that would come from throughout Texas, with a majority coming from Houston, 55 teams, that boys and girls between the age of 5 years to 12 years old would participate, but what was special about the tournament beside it being in Moody Park, all the money raised would go back into the Little League because the teams were individuals who could not afford the enrollment fees and would be sponsored in the future, that their goal was to reach \$3,000 to help cover the \$300 per team enrollment fee for next year, that they were expecting a big crowd and a lot of fun and encouraged anyone to come out and attend, that it would be at Moody Park, July 17th through the 30th. Council Members Galloway and Goldberg.

Council Member Quan stated that the Housing Initiatives Committee would have a meeting tomorrow, that at their last meeting, Mr. Tinnerman expressed a strong sense that the LARA would be on Council agenda soon and understood that they were working close toward that conclusion and Mayor Brown stated that they were making progress, that they would also be having an update on visitability, that the Greater Houston Builders Association had their conference last week at the home show and provided seminars and it was well attended, that hopefully it would not be a long meeting. Council Members Galloway and Goldberg absent.

Council Member Quan stated that as a follow up to Council Member Alvarado's request they were scheduling a meeting of the Ethics Committee to discuss what the State Legislature required as far as ethics disclosures, that also they would be having a Council Governance meeting in the second week of August, there were several items during the budget process that were referred to the Council Governance Committee, such as terms limits and the super majority and they would be looking at those. Council Member Quan stated that he hoped Council Member Berry's concerns regarding the Day Labor Center could be answered, that he knew it was a year ago that they approved those funds and made a commitment to District H and went through, he thought, a very transparent process to make sure that everybody who was interested could have a say in the process and they were now at the very brink of getting that done and hoped that his concerns could be relieved. Council Members Galloway and Goldberg absent.

Council Member Sekula-Gibbs stated that she wanted to bring to everybody's attention that House Bill 3588 was signed into law by the Governor recently, June 19, 2003, and that bill would have an impact on things that occurred in the City, the bill was passed unanimously by the Senate on May 28, 2003 and there were two important sections that would have a fiscal impact on the City, one was the Driver Responsibility Program, Article 10 and the other was Moving Fines for Moving Violations, Article 12, that the bill's passage was due in large measure to the grass roots efforts of a group called Save Our ER's, that was spearheaded by Dr. Guy Clifton, Head of Neurosurgery at Herman Hospital, that House Bill 3588 generates two new sources of revenue to fund trauma care centers and transportation infrastructure and it was hoped and planned that a new trauma center would be developed in the City of Houston and it would be a level two trauma center at Saint Josephs Hospital, which would be excellent for the downtown area, that the Driver Responsibility Program would increase fines for alcohol related offenses, half of the fines would go to trauma care and the other half would go to transportation, that the second piece to it would increase fines for moving violations, one third of those fines would go towards trauma centers and two thirds would go to transportation at TXDOT, that the actual fiscal impact to the City was yet to be determined, that they talked about whether that would actually increase revenues, have a neutral impact or whether it would decrease revenues

because people would not be able to pay and would decrease compliance, but it was hoped that it would have a neutral impact on the Municipal Courts revenue but a positive impact on transportation and emergency room trauma care, that she wanted to thank everyone for the support they gave in the State Legislature because in the long run Houston stood to benefit greatly from the revenues that would be generated. Council Members Galloway and Goldberg absent.

Council Member Parker stated that they were not going to have a Neighborhood Protection Quality of Life Committee Meeting on Monday, that everybody would get a memo, that they could take that off of their calendars, that she did not have anything that was quite ready to go to committee and realized they had not had one for a while because she cancelled them all as they were doing the budget, but there would be some things coming up soon. Council Members Galloway and Goldberg absent.

Council Member Parker stated that she wanted to note an obituary that appeared in the Chronicle, that Mr. Lou Vanitch, who was the former chair of the Ryan White Planning Council and many Council Members knew him, that he came and spoke before Council Member Quan's committee on several occasions and a number of them who had worked on HIV/AIDS issues were familiar with him, that she had known him for about 20 years, that he was very active in the Gay Community and very active in the HIV/AIDS Community, that he started out as a Geologist and retired on disability from that and became a furniture refinisher and as his health declined became a what was called a standardized patient and worked at the Medical Center training doctors to do different type of examinations on patients so he was always engaged with other people and always wanting to improve the world around him, that he was 51 years old and would be greatly missed in the community and wanted to thank him for his service and say that he would be remembered. Council Members Galloway and Goldberg absent.

Council Member Alvarado stated that she wanted to thank Council Member Sekula-Gibbs for that Legislative update, that the Legislative Affairs Committee would have a Legislative wrap up after the session was over, that they were now told there may be a second special called session so she wanted to advise her colleagues that they would have a wrap up once it was all completed and done. Council Members Galloway and Goldberg absent.

Council Member Alvarado stated that she wanted to follow up on Council Member Edwards comments, that they were in a meeting last night and it was a very heated meeting in every sense of the word with a packed room full of Midtown residents and for those who were not aware for seven years Christ Way Ministries had been providing the service of feeding the homeless once a week at Root Square Park without a permit, they had been operating illegally, in her opinion, and she did not think they ought to let any organization to continue to do that, that it was not the only one that was occurring around the City, that she had other locations within her district where they had organizations that were operating illegally providing meals to the homeless, but creating a big problem for the communities because they did it once a week and then they pack up and leave, that there were issues in the community such as homeless that wandered through the neighborhood rummaging through people's garbage cans, all sorts of issues that cropped up after the services left and she really thought that they needed to have some type of regulation, one of her budget amendments was to require that anyone that provided meals should apply for permits from the Health Department, that she was going to ask that the appropriate committee take that up and that they also take it a step further, that if they were going to setup some type of operation in a residential area that the Mayor's office and the District Council Member be notified and any civic association as well, that she also wanted to thank Mr. Richard Cantu, Mayor's Citizens Assistance Office, because she knew it was a very tough place to be and thought that he did a good job in keeping calm and trying to take all of the criticism from the Midtown residents, but did want to thank him and Captain Redding from the South Central Police Station who did a fine job in trying to keep the peace at the meeting. Council Members Galloway, Goldberg and Robinson absent.

Council Member Berry stated that after five long months and 25 plus surgeries Sergeant Mike Bozman had gone home and was healing nicely, that he and his wife were members of the Houston Police Department, to please keep him in their prayers. Council Members Galloway, Goldberg and Robinson absent.

Council Member Berry stated that last night on his way home there was an ambulance, pumper truck and squad car and they pulled into the back of a church next to a gymnasium and he followed them in and watched what they did, that there were about 7 or 8 of the Houston Fire Department firefighters who began to administer all sorts of things to a young man who was only 16 years old and who had a heart attack, that he had not heard back a report on him but it did not look good, but what was reassuring that as upset as he was over what was going on , those individuals who did that all day, every day, were just as committed to bringing the young fellow back to life and it absolutely put what they did everyday and their decisions around the table, back into perspective and it made him proud of the Houston Fire Department and so to Station 17 and those individuals he wanted to thank them. Council Members Galloway, Goldberg and Robinson absent.

There being no further business before Council, the City Council adjourned at 10:12 a.m. upon MOTION by Council Member Quan, seconded by Council Member Tatro. Council Members Galloway, Goldberg and Robinson absent.

DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

Anna Russell, City Secretary